

SENATE BILL No. 418

DIGEST OF INTRODUCED BILL

Citations Affected: IC 8-3-15-3.

Synopsis: Unauthorized utility crossing of railroad property. Makes it a Class B misdemeanor to place wire, pipe, cable, fiber optic cable, or conduit across, over, under, or in the right-of-way or yard of a railroad company.

Effective: July 1, 2002.

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January 10, 2002, read first time and referred to Committee on Corrections, Criminal and Civil Procedures.

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Second Regular Session 112th General Assembly (2002)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2001 General Assembly.

SENATE BILL No. 418

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 8-3-15-3, AS AMENDED BY P.L.259-1999,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2002]: Sec. 3. (a) A person who rides, drives, or walks on or
4 along the right-of-way or yard of a railroad company at a place other
5 than a public crossing commits a Class B misdemeanor.

6 (b) **A person who places wire, pipe, cable, fiber optic cable, or**
7 **conduit across, over, under, or in the right-of-way or yard of a**
8 **railroad company commits a Class B misdemeanor.**

9 (c) "Right-of-way" means the track or roadbed owned or leased by
10 a railroad which is located on either side of its tracks and which is
11 readily recognizable to a reasonable person as being railroad property
12 or is reasonably identified as such by fencing or appropriate signs.

13 ~~(c)~~ (d) "Yard" means a system of parallel tracks, cross-overs, and
14 switches where cars are switched and made up into trains, and where
15 cars, locomotives, and other rolling stock are kept when not in use or
16 awaiting repairs.

17 ~~(d)~~ (e) This section does not apply to:



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- 1 (1) passengers on trains or employees of a railroad company while
- 2 engaged in the performance of their duties;
- 3 (2) picketing by railroad employees in the vicinity of entrances to
- 4 railroad company property;
- 5 (3) an authorized representative of the railroad employees;
- 6 (4) a person going upon the right-of-way or into the yard to save
- 7 human life or to protect property;
- 8 (5) a person being on the station grounds or in the depot of the
- 9 railroad company as a passenger or for the purpose of transacting
- 10 business;
- 11 (6) a person, or the person's family or employees going upon the
- 12 right-of-way for the purpose of crossing from one (1) part to
- 13 another part of a farm the person owns or leases, where the farm
- 14 lies on both sides of the right-of-way;
- 15 (7) a person having written permission from the railroad company
- 16 to:
- 17 (A) go upon the right-of-way; or
- 18 (B) **place wire, pipe, cable, fiber optic cable, or conduit**
- 19 **across, over, under, or in the right-of-way or yard;**
- 20 (8) representatives of the Indiana department of transportation;
- 21 (9) representatives of the federal Surface Transportation Board;
- 22 or
- 23 (10) a registered land surveyor or a land surveyor's employees
- 24 who are on the right-of-way or in the yard for the purpose of
- 25 making land surveys.

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